House File 248 - Introduced

HOUSE FILE 248
BY THORUP, BROWN-POWERS, and
THOMPSON

A BILL FOR

- 1 An Act relating to the establishment of emergency response
- 2 districts and fire departments.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 357J.1, Code 2021, is amended to read as 2 follows:
- 3 357J.1 Authorization and purpose.
- This chapter authorizes a pilot project for which a
- 5 county of the state may establish an the establishment of
- 6 emergency response districts.
- 7 2. The purpose of this chapter is to provide a county within
- 8 the state an opportunity to participate in a pilot project
- 9 having a new governance structure to facilitate the delivery
- 10 and funding of fire protection service and emergency medical
- 11 service to residents of the county. do all of the following:
- 12 a. Serve a public use and promote the health, safety,
- 13 prosperity, security, and general welfare of the citizens
- 14 of emergency response districts by preventing or reducing
- 15 duplication, overlap, and fragmentation of the functions and
- 16 facilities of special districts.
- 17 b. Better serve the citizens of the state through
- 18 consolidation.
- 19 c. Reduce costs and increase efficiency of operation.
- 20 Sec. 2. Section 357J.2, Code 2021, is amended to read as
- 21 follows:
- 22 357J.2 Definitions.
- 23 As used in this chapter, unless the context otherwise
- 24 requires:
- 25 1. "Board" means the board of supervisors of a county.
- 26 2. 1. "Commission" means a governing body composed of a
- 27 member of the board of supervisors, the sheriff, and the mayor
- 28 from each city within the district. A member of the commission
- 29 shall not appoint a designee to serve on the commission in the
- 30 member's capacity or designee of each governmental entity that
- 31 is a member of the emergency response district.
- 32 3. "District" means an emergency response district area.
- 33 3. "Governmental entity" means a county, city, or township.
- 34 Sec. 3. Section 357J.3, Code 2021, is amended by striking
- 35 the section and inserting in lieu thereof the following:

- 1 357J.3 Notification of public hearing.
- Each governmental entity intending to participate in
- 3 an emergency response district shall issue a notice of intent
- 4 to hold a public hearing concerning the establishment of a
- 5 proposed district. The hearing shall not be held until at
- 6 least thirty days after the notice is issued but not more than
- 7 ninety days after the notice is issued.
- 8 2. Notice required under subsection 1 shall include all of
- 9 the following information:
- 10 a. A statement explaining the need for fire protection
- 11 service or emergency medical service.
- 12 b. The geographic boundaries of the district.
- 13 c. The approximate number of families in the district.
- 14 d. The proposed personnel, equipment, and facilities to
- 15 provide the fire protection services or emergency medical
- 16 services.
- 17 e. The date, time, and location of the public hearing.
- 18 Sec. 4. Section 357J.4, Code 2021, is amended to read as
- 19 follows:
- 20 357J.4 District boundary changes.
- 21 1. The boundary lines of a district may include any
- 22 incorporated or unincorporated areas within a county.
- 23 2. a. The boundary lines of a district shall not be changed
- 24 after the district is established except as provided in this
- 25 subsection.
- 26 a. b. The boundary lines of a district shall be changed and
- 27 shall become effective immediately upon approval of all of the
- 28 following:
- 29 (1) The the commission and each governmental entity
- 30 currently participating in the emergency response district.
- 31 (2) The board of township trustees of the area proposed to
- 32 be included or excluded from the district.
- 33 (3) The district fire chief.
- 34 (4) The assistant fire chief who is responsible for delivery
- 35 of fire protection service and emergency medical service

- 1 within the area proposed to be excluded from the district, if
- 2 applicable.
- 3 (5) The fire chief of a fire department in the area proposed
- 4 to be included in the district, if applicable.
- 5 b. The boundary lines of a district shall be changed to
- 6 exclude a city or the unincorporated areas of a township if the
- 7 commission receives a written request from the governing body
- 8 of the city or the board of township trustees, as applicable,
- 9 requesting exclusion from the district. However, a boundary
- 10 change under this paragraph shall become effective no earlier
- 11 than eighteen months following receipt of the written request.
- 12 Sec. 5. NEW SECTION. 357J.19 Dissolution of district.
- 13 Incorporation documents of an emergency response district
- 14 shall include provisions for dissolution, the withdrawal of an
- 15 individual participant in the emergency response district, and
- 16 the dispensing of property in the case of either event.
- 17 Sec. 6. Section 364.16, Code 2021, is amended to read as 18 follows:
- 19 364.16 Municipal fire protection.
- 20 1. Each city shall provide for the protection of life and
- 21 property against fire and may establish, house, equip, staff,
- 22 uniform, and maintain a fire department. A city may establish
- 23 fire limits and may, consistent with code standards promulgated
- 24 by nationally recognized fire prevention agencies, regulate the
- 25 storage, handling, use, and transportation of all flammables,
- 26 combustibles, and explosives within the corporate limits and
- 27 inspect for and abate fire hazards.
- 28 2. A city may provide conditions upon which the fire
- 29 department will answer calls outside the corporate limits or
- 30 the territorial jurisdiction and boundary limits of this state.
- 31 A city has the same governmental immunity outside its corporate
- 32 limits when providing fire protection as when operating within
- 33 the corporate limits. Fire fighters operating equipment on
- 34 calls outside the corporate limits are entitled to the benefits
- 35 of chapter 410 or 411 when otherwise qualified.

- 1 3. Notwithstanding subsection 1, a city in which an 2 institution of higher education governed by the state board 3 of regents is located shall establish, house, equip, staff, 4 uniform, and maintain a full-time, professional fire department 5 that is separate from the city's police department. Sec. 7. REPEAL. Sections 357J.5, 357J.6, 357J.7, 357J.8, 7 357J.9, and 357J.14, Code 2021, are repealed. 8 **EXPLANATION** 9 The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly. 10 This bill relates to the establishment of emergency response 11 12 districts and fire departments. 13 Current law creates a pilot project authorizing a county to 14 establish an emergency response district within the county. 15 A commission composed of a member of the county board of 16 supervisors, the county sheriff, and the mayor from each 17 city within the district is responsible for governing the 18 district and no member may appoint a designee to serve on the 19 commission. Current law allows certain boards of supervisors 20 to call for the creation of an emergency response district 21 and notify the state fire marshal's office if a motion to 22 form a district has been adopted. Upon the approval of a 23 district, an appointed civil engineer or the county engineer 24 is required to submit a preliminary plat exhibiting certain 25 details of the district and a subsequent report. Current law 26 also requires the district fire chief to appoint an assistant 27 fire chief for each existing fire department and station within 28 the district who shall be responsible for delivery of fire 29 protection service and emergency medical service within the 30 areas designated by the commission. 31 The bill repeals the pilot program and authorizes a 32 governmental entity, as defined in the bill, to establish an
- 34 "commission" to mean a member or designee of each governmental 35 entity participating in the emergency response district. The

33 emergency response district. The bill amends the definition of

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- 1 bill requires each governmental entity intending to participate
- 2 in an emergency response district to issue a notice of intent
- 3 to hold a public hearing concerning the establishment of
- 4 a proposed district and provide certain information with
- 5 such notice. The bill requires a hearing concerning the
- 6 establishment of a proposed district to occur no less than 30
- 7 days and no more than 90 days after the notice is issued. The
- 8 bill amends the process for changing district boundaries to
- 9 require the approval of the commission and each governmental
- 10 entity that is a member of the emergency response district.
- 11 The bill requires incorporation documents of an emergency
- 12 response district to include provisions for dissolution, the
- 13 withdrawal of an individual member, and the dispensing of
- 14 property in either event. The bill repeals provisions relating
- 15 to the engineer's responsibilities and the appointment of
- 16 assistant fire chiefs.
- 17 The bill requires a city in which an institution of higher
- 18 education governed by the state board of regents is located
- 19 to establish, house, equip, staff, uniform, and maintain a
- 20 full-time, professional fire department that is separate from
- 21 the city's police department.